

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL COAST REGION
895 Aerovista Place, Suite 101
San Luis Obispo, California**

**RESOLUTION NO. R3-2008-0001
REVISED May 8, 2009**

**Amending The Water Quality Control Plan for The Central Coast Basin to
(1) Remove The Shellfish Harvesting Beneficial Use for San Lorenzo River Estuary,
(2) Add the San Lorenzo River Watershed to the Human Fecal Material Discharge
Prohibition and the Domestic Animal Waste Discharge Prohibition, and (3) Adopt The
Total Maximum Daily Loads For Pathogens in San Lorenzo River Estuary, San Lorenzo
River, Branciforte Creek, Camp Evers Creek, Carbonera Creek, and Lompico Creek**

The Regional Water Quality Control Board, Central Coast Region (Central Coast Water Board) finds:

1. The Central Coast Water Board adopted the Water Quality Control Plan for the Central Coastal Basin (Basin Plan), on September 8, 1994. The Basin Plan includes beneficial use designations, water quality objectives, prohibitions, implementation plans for point source and nonpoint source pollution discharges, and statewide plans and policies.
2. The Central Coast Water Board periodically revises and amends the Basin Plan. The Central Coast Water Board has determined the Basin Plan requires further revision and amendment to (a) remove the shellfish harvesting (SHELL) beneficial use for San Lorenzo River Estuary (also known as San Lorenzo River Lagoon), (b) add the San Lorenzo River Watershed as a named area subject to the Human Fecal Material Discharge Prohibition and the Domestic Animal Waste Discharge Prohibition, and (c) incorporate Total Maximum Daily Loads (TMDLs) and Implementation Plan for pathogens in San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Camp Evers Creek, Carbonera Creek, and Lompico Creek. The term San Lorenzo River Watershed elsewhere in this document refers only to these waterbodies.
3. The Central Coast Water Board proposes to amend the Basin Plan by inserting amendments into the following sections (listed in order of Basin Plan contents):
 - a. Chapter Two, Table 2-1: "Identified Uses of Inland Surface Waters"
 - b. Chapter Four, section IX (Total Maximum Daily Loads), and
 - c. Chapter Five, section IV.B. (Discharge Prohibitions).
4. The Central Coast Water Board has determined that the SHELL beneficial use designation should be removed from the San Lorenzo River Estuary.
5. The federal regulations at 40 CFR 131.10(g) allow the Central Coast Water Board to remove a designated use, which is not an "existing" use, if the state can demonstrate that achieving the use is not feasible based on the factors set forth in 40 CFR 131.10(g). Shellfish harvesting is not an "existing use" as that term is defined in 40 CFR 131.3 because shellfish harvesting use has not been attained in the water body on or after November 28, 1975. The proposed removal of the SHELL beneficial use is based on the results of a Use Attainability Analysis (UAA) in the San Lorenzo River Estuary. Central Coast Water Board staff (staff)

developed the UAA in 2004 and 2005 to determine the historic, actual, and potential shell fishing activities in the San Lorenzo River Estuary. The UAA is necessary to conform to Title 40 of the Code of Federal Regulations (CFR), §131.10(j) because the action involves a designated use specified in Clean Water Act section 101(a) (2). The proposed amendment and the UAA only addresses the fishable goal ("protection and propagation of fish, shellfish, and wildlife") as it pertains to shellfish harvesting and does not address other fishable goals or the swimmable goal included in the water contact recreation designation contained in section 101(a)(2) of the Clean Water Act. The fishable goal of the Clean Water Act is also protected under other beneficial uses (including cold fresh water habitat) designated in the Basin Plan for the San Lorenzo River Estuary.

6. Factors for allowing a state to remove a designated use are listed in section 40 CFR 131.10(g). Based on the UAA, three factors preclude attainment of the SHELL beneficial use in San Lorenzo River Estuary. These factors are as follows:
 - a. Natural, ephemeral, intermittent, or low flow conditions or water levels prevent the attainment of the beneficial use.
 - b. Diversions, and other types of hydrologic modifications preclude the attainment of the beneficial use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that would result in the attainment of the use.
 - c. Physical conditions related to the natural features of the water body, including lack of a proper substrate, preclude attainment of aquatic life protection uses.
7. Pursuant to the California Water Code section 13241, the Central Coast Water Board considered several factors in deciding to remove the SHELL beneficial use in the San Lorenzo River Estuary. The Central Coast Water Board concluded that shellfish harvesting is not a past, present, or probable future beneficial use of the San Lorenzo River Estuary. Additionally, the Central Coast Water Board concluded the following:
 - a. Environmental characteristics of the waterbodies will not be affected by the removal of the beneficial use.
 - b. Water quality conditions that could reasonably be achieved through the coordinated control of all factors that affect water quality in the area will not be affected by the removal of the beneficial use.
 - c. Removal of the SHELL beneficial use does not impose any costs other than the Central Coast Water Board's costs of preparing the amendment.
 - d. The need for developing housing within the region is not relevant.
 - e. The need to develop and use recycled water is not relevant.
8. The Central Coast Water Board's goal in removing the SHELL beneficial use from the San Lorenzo River Estuary is to assign pathogen indicator organism water quality objectives that accurately reflect the existing and potential uses of the San Lorenzo River Estuary, i.e., those for water-contact and non-contact recreation. For this purpose, "existing uses" mean those uses actually attained on or after November 28, 1975 (40 CFR §131.3(e)).
9. On May 20, 2004, the State Water Resources Control Board (State Board) adopted the *Policy for Implementation and Enforcement of the Nonpoint Source Pollution Control Program* (NPS Policy). This policy requires Regional Water Quality Control Boards to regulate all nonpoint sources of pollution using the administrative permitting authorities provided by the California Water Code (codified in Division 7 of the California Water Code). This policy requires Regional Water Quality Control Boards to regulate nonpoint source pollution discharges with Waste Discharge Requirements, Waivers of Waste Discharge Requirements, or Basin Plan Prohibitions.

10. The San Lorenzo River Estuary, San Lorenzo River, Carbonera Creek, and Lompico Creek are listed on the Clean Water Act 303(d) list as impaired due to pathogens. San Lorenzo River Estuary, San Lorenzo River, Carbonera Creek, and Lompico Creek do not meet the Basin Plan water quality objectives for fecal coliform. This Resolution establishes TMDLs and associated allocations for these listed water bodies.
11. Branciforte Creek and Camp Evers Creek are located in the San Lorenzo River Watershed, are not on the Clean Water Act 303(d) list of impaired waters for pathogens, and do not meet Basin Plan water quality objectives for fecal coliform. The Central Coast Water Board finds that Branciforte Creek and Camp Evers Creek are impaired for fecal coliform. Therefore, this Resolution establishes TMDLs and associated allocations for Branciforte Creek and Camp Evers Creek.
12. The Central Coast Water Board's goal for establishing TMDLs in the San Lorenzo River Watershed is to rectify the fecal coliform impairment, thereby maintaining the water for the beneficial uses of contact and non-contact water recreation.
13. San Lorenzo River Estuary (also known as the San Lorenzo River Lagoon) is the receiving water for approximately 87,800 acres of land and flows into northern Monterey Bay. Camp Evers Creek flows into Carbonera Creek. Carbonera Creek flows into Branciforte Creek, and Branciforte Creek flows into San Lorenzo River Estuary. Lompico Creek flows into San Lorenzo River, and San Lorenzo River flows into San Lorenzo River Estuary.
14. The elements of a TMDL are described in 40 CFR 130.2 and 130.7, section 303(d) of the Clean Water Act, and USEPA guidance documents. A TMDL is defined as "the sum of individual waste load allocations for point sources and load allocations for nonpoint sources and natural background" (40 CFR 130.2). The Central Coast Water Board has determined that the San Lorenzo River Watershed TMDLs are set at levels necessary to attain and maintain the applicable numeric water quality objectives taking into account seasonal variations and any lack of knowledge concerning the relationship between effluent limitations and water quality (40 CFR 130.7 (c) (1)). The regulations in 40 CFR 130.7 also state that TMDLs shall take into account critical conditions for stream flow, loading, and water quality parameters. TMDLs are often expressed as a mass load of the pollutant but can be expressed as a unit of concentration if appropriate (40 CFR 130.2(i)). Expressing these TMDLs as units of concentration is appropriate because an existing concentration-based water quality objective is used as the basis for the TMDL numeric target.
15. Upon establishment of TMDLs by the State or USEPA, the State is required to incorporate the TMDLs, along with appropriate implementation measures, into the State Water Quality Management Plan (40 CFR 130.6(c)(1) and 130.7; and California Water Code sections 13050(j) and 13242). The Basin Plan and applicable statewide plans serve as the State Water Quality Management Plan governing the watersheds under the jurisdiction of the Central Coast Water Board.
16. The Central Coast Water Board may prohibit certain types of waste discharge pursuant to California Water Code section 13243. The implementation plan for the TMDLs for the San Lorenzo River Watershed requires compliance with the human fecal material discharge prohibition and the domestic animal waste discharge prohibition (proposed Amendment No. 2 contained herein) for discharges in the San Lorenzo River Watershed. Supporting documentation for adding the San Lorenzo River Watershed to the above-named prohibitions is provided in the Final Project Report for (1) Total Maximum Daily Load for Pathogens in San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Camp Evers Creek, Carbonera Creek, and Lompico Creek. Consistent with California Water Code section 13244, the

Central Coast Water Board complied with public notice and hearing requirements for adding the San Lorenzo River Watershed to the human fecal material discharge and the domestic animal waste discharge prohibitions.

17. Pursuant to the California Water Code section 13241, the Central Coast Water Board considered several factors in developing these Basin Plan amendments. The Central Coast Water Board concludes the following:
 - a. The removed shellfish harvesting beneficial use, adopted TMDLs, and modified prohibition will protect past, present, or probable future beneficial uses.
 - b. Environmental characteristics of the waterbody will be protected.
 - c. Improved water quality conditions can reasonably be achieved through the coordinated management of all factors that affect water quality in the area, as provided in the Implementation Plan.
 - d. Costs to achieve compliance with the prohibitions are reasonable relative to the benefit of improved water quality.
 - e. The need for developing housing within the region is not relevant.
 - f. The need to develop and use recycled water is not relevant.
18. Central Coast Water Board staff submitted a Use Attainability Analysis to an external scientific review panel in March 2006 as required by Health & Safety Code section 57004. Central Coast Water Board staff also submitted the Project Report for the TMDLs to an external scientific review panel in July 2007. The staff received comments from the panel. Water Board staff edited the Project Report or provided a written response that explained the basis for failing to incorporate the comments, or the comments did not result in any changes to the proposed Basin Plan Amendments. The scientific portions of the proposed removal of the SHELL beneficial use, the modified prohibition, the TMDLs and implementation plan are based on sound scientific knowledge, methods, and practices in accordance with section Health & Safety Code section 57004.
19. Central Coast Water Board staff implemented a process to inform interested persons and the public about the removal of the SHELL beneficial use designation for the San Lorenzo River Estuary, adding the San Lorenzo River Watershed to the human fecal material discharge prohibition and the domestic animal waste discharge prohibition, and adoption the TMDLs. Central Coast Water Board staff's efforts to inform the public and solicit comment included a public meeting with interested parties. Public notification of the amendment to the Basin Plan occurred for a 45-day period preceding the Central Coast Water Board hearing. Notice of the public hearing was given by advertising in newspapers of general circulation within the Region and by mailing a copy of the notice to all persons requesting such notice and applicable government agencies. Central Coast Water Board staff responded to oral and written comments received from the public. All public comments were considered.
20. The Central Coast Water Board considered costs of implementing measures to comply with the removal of the SHELL beneficial use designation, the prohibitions and the TMDLs. The costs will be incurred by identified responsible parties. These costs are reasonable relative to the water quality benefits to be derived from the three amendments.
21. The removal of the shellfish harvesting beneficial use from the San Lorenzo River Estuary and adoption of these TMDLs and basin plan amendments will not result in any degradation of water quality; in fact, they are designed to improve water quality. As such, these TMDLs and basin plan amendments comply with all requirements of both State and Federal anti-degradation requirements (State Board Resolution 68-16 "Statement of Policy with Respect to Maintaining High Quality of Waters in California, and 40CFR 131.12).

22. Pursuant to Public Resources Code section 21080.5, the Resources Agency has approved the Regional Water Boards' basin planning process as a "certified regulatory program" that adequately satisfies the California Environmental Quality Act (CEQA) (Public Resources Code, Section 21000 et seq.) requirements for preparing environmental documents (14 Cal. Code Regs. §15251(g); 23 Cal. Code Regs. § 3782.). Central Coast Water Board staff has prepared "substitute environmental documents" for this project that contains the required environmental documentation under the State Water Resources Control Board's (State Board) CEQA regulations (23 Cal. Code Regs. § 3777.). The substitute environmental documents include the TMDL Staff Report and several of its Attachments, including: "Total Maximum Daily Loads for Pathogens In San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Camp Evers Creek, Carbonera Creek, And Lompico Creek, Santa Cruz County, California" (as Attachment-2 of the Staff Report), the CEQA Substitute Document with environmental checklist (as Attachment-3 of the Staff Report), the comments and responses to comments (as Attachment-7 of the Staff Report), the basin plan amendment language (as Attachment-1 of the Staff Report) , and this resolution. The project itself is the establishment of TMDLs for fecal coliform in the San Lorenzo River Watershed. The Board exercises discretion in assigning waste load allocations and load allocations, determining the program of implementation, and setting various milestones in achieving the water quality standards. The CEQA checklist and other portions of the substitute environmental documents contain significant analysis and numerous findings related to impacts and mitigation measures.
23. A CEQA Scoping meeting was conducted on June 26, 2006 at the Capitola City Hall Community Room, 420 Capitola Avenue, Capitola, CA 95010. A notice of the CEQA Scoping meeting was sent to interested parties on May 30, 2006, including to the City of Capitola and the County of Santa Cruz. The notice included a background of the project, the project purpose, a meeting schedule and directions for obtaining more detailed information through the Central Coast Water Board website; the notice and project summary was available at the website or by requesting hard copies via telephone.
24. In preparing the substitute environmental documents, the Central Coast Water Board has considered the requirements of Public Resources Code section 21159 and California Code of Regulations, title 14, section 15187, and intends those documents to serve as a Tier 1 environmental review. This analysis is not intended to be an exhaustive analysis of every conceivable impact, but an analysis of the reasonably foreseeable consequences of the adoption of this regulation, from a programmatic perspective. Compliance obligations will be undertaken directly by public agencies that may have their own obligations under CEQA. Project level impacts may need to be considered in any subsequent environmental analysis performed by other public agencies, pursuant to Public Resources Code section 21159.2. To the extent applicable, this Tier 1 substitute environmental document may be used to satisfy subsequent CEQA obligations of those agencies.
25. Consistent with the Regional Board's substantive obligations under CEQA, the substitute environmental documents do not engage in speculation or conjecture, and only consider the reasonably foreseeable environmental impacts, including those relating to the methods of compliance, reasonably foreseeable feasible mitigation measures to reduce those impacts, and the reasonably foreseeable alternative means of compliance, which would avoid or reduce the identified impacts.
26. The proposed amendment will have a less than significant adverse effect on the environment. California Water Code section 13360 precludes the Regional Board from dictating the manner in which responsible agencies comply with any of the Regional Board's regulations or orders.

When the agencies responsible for implementing these TMDLs determine how they will proceed, the agencies responsible for those parts of the project can and should incorporate such alternatives and mitigation into any subsequent projects or project approvals. These feasible alternatives and mitigation measures are described in more detail in the substitute environmental documents (14 Cal. Code Regs. § 15091(a)(2)).

27. From a program-level perspective, incorporation of the alternatives and mitigation measures outlined in the substitute environmental documents will foreseeably reduce impacts to no impact, or keep the impact at less than significant levels.
28. The substitute documents for these TMDLs, and in particular the CEQA Substitute Document and Environmental Checklist, identify mitigation approaches that should be considered at the project level.
29. The Central Coast Water Board will request that the State Water Board approve the Basin Plan amendment incorporating the removal of the SHELL beneficial use for San Lorenzo River Estuary, the prohibitions and the TMDLs for pathogens for the San Lorenzo River Watershed. The TMDLs, Implementation Plan and prohibitions will become effective upon approval by the California Office of Administrative Law. The removal of the SHELL beneficial use will become effective upon approval by USEPA.
30. The amendments to the Basin Plan may have an effect on fish and wildlife. The Central Coast Water Board will, therefore, forward fee payments to the Department of Fish and Game under the California Fish and Game Code section 711.4.
31. The regulatory action meets the "Necessity" standard of the Administrative Procedures Act, Government Code, section 11353, subdivision (b). As specified in Finding-15, federal regulations require that TMDLs be incorporated into the Water Quality Management Plan. The Central Coast Water Board's Basin Plan is the Central Coast Water Board's component of the Water Quality Management Plan, and the Basin Plan is how the Central Coast Water Board takes quasi-legislative, planning actions. Moreover, the TMDL is a program of implementation for existing water quality objectives, and is, therefore, appropriately a component of the Basin Plan under the California Water Code, section 13242. The necessity of developing TMDLs is established in the TMDL staff report, the Clean Water Act section 303(d) list, and the data contained in the administrative record documenting the pathogen impairments of the San Lorenzo River Watershed.
32. On March 21, 2008 in Salinas, California, the Central Coast Water Board held a public hearing and heard and considered all public comments and evidence in the record.
33. On March 21, 2008, the Central Coast Water Board adopted resolution no. R3-2008-0001.
34. On November 6, 2008, the Central Coast Water Board's Executive Officer withdrew the Total Maximum Daily Loads for Pathogens In San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Camp Evers Creek, Carbonera Creek, And Lompico Creek from consideration for adoption by the State Water Resource Control Board. The Executive Officer withdrew the TMDLs for consideration due to State Board staff's request to clarify language in the TMDLs and prohibitions before submittal to the State Water Resources Control Board for approval; this resolution includes the requested clarifications.
35. On May 8, 2009 in San Luis Obispo, California, the Central Coast Water Board held a public hearing and heard and considered all public comments and evidence in the record; 45-days public notice were given.

THEREFORE, be it resolved that:

1. Pursuant to sections 13240, 13241, 13242, 13243, and 13244 of the California Water Code, the Central Coast Water Board, after considering the entire record, including the oral testimony at the hearing, hereby adopts the amendment in "Attachment-Proposed Basin Plan Amendments".
2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Board in accordance with the requirements of section 13245 of the California Water Code.
3. The Central Coast Water Board requests that the State Board approve the Basin Plan amendments in accordance with the requirements of sections 13245 and 13246 of the California Water Code and forward them to the California Office of Administrative Law and the USEPA.
4. The Executive Officer is authorized to sign a Certificate of Fee Exemption or transmit payment of the applicable fee as may be required to the Resources Agency.
5. If, during its approval process, Central Coast Water Board staff, State Board staff, the State Board or Office of Administrative Law determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes, and shall inform the Central Coast Water Board of any such changes.
6. The environmental documents prepared by the Central Coast Water Board staff pursuant to Public Resources Code 21080.5 are hereby certified.

I, Roger W. Briggs, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of the resolution adopted by the California Regional Water Quality Control Board, Central Coastal Region, on May 8, 2009.

Roger W. Briggs
Executive Officer

RESOLUTION NO. R3-2008-0001

ATTACHMENT - PROPOSED BASIN PLAN AMENDMENTS

Revise the September 8, 1994 Basin Plan as follows:

AMENDMENT NO. 1.

Amend Chapter 2, Table 2-1. Identified Uses of Inland Surface Waters

Waterbody Names	MUN	AGR	PRO	IND	GWR	REC1	REC2	WILD	COLD	WARM	MIGR	SPWN	BIOL	RARE	EST	FRESH	NAV	POW	COMM	AQUA	SAL	SHELL
San Lorenzo River Estuary						X	X	X	X		X	X	X	X	X				X			X

AMENDMENT NO. 2. Revise the September 8, 1994 Basin Plan, Chapter Five, as follows:

Amend Chapter Five, section IV.B. as follows:

Add the following watershed to the end of the bulleted list of applicable areas of the Human Fecal Material Discharge Prohibition and the Domestic Animal Waste Discharge Prohibition,

- San Lorenzo River Watershed

AMENDMENT NO. 3. ADOPT THE TOTAL MAXIMUM DAILY LOADS FOR PATHOGENS IN SAN LORENZO RIVER ESTUARY, SAN LORENZO RIVER, BRANCIFORTE CREEK, CAMP EVERS CREEK, CARBONERA CREEK, AND LOMPICO CREEK

Add the following to Chapter 4 after IX. I.:

IX. J. TOTAL MAXIMUM DAILY LOADS FOR PATHOGENS IN SAN LORENZO ESTUARY, SAN LORENZO RIVER, BRANCIFORTE CREEK, CAMP EVERS CREEK, CARBONERA CREEK, AND LOMPICO CREEK

The Regional Water Quality Control Board adopted these TMDLs on May 8, 2009.
These TMDLs were approved by:

The State Water Resources Control Board on _____.

The California Office of Administrative Law on _____.
(Insert date)

The U.S. Environmental Protection Agency on _____.
(Insert date)

Problem Statement

The beneficial use of water contact recreation is not protected in the impaired reaches of the San Lorenzo River Estuary (also known as San Lorenzo River Lagoon), San Lorenzo River, Branciforte Creek, Camp Evers Creek, Carbonera Creek, and Lompico Creek because fecal coliform concentrations exceed existing Basin Plan numeric water quality objectives protecting this beneficial use. All reaches in these waterbodies are impaired with the exception of Carbonera Creek, where the impairment extends from the mouth of Carbonera Creek upstream to its intersection with Bethany Road.

Numeric Target

The numeric target used to develop the TMDLs and allocations are as follows:

Fecal coliform concentration, based on a minimum of not less than five samples for any 30-day period, shall not exceed a log mean of 200 MPN per 100 mL, nor shall more than 10 percent of samples collected during any 30-day period exceed 400 MPN per 100 mL.

Source Analysis

San Lorenzo River Estuary

The relative order of controllable sources, in descending order, are:

1) City of Santa Cruz sanitary sewer collection system leaks (including private laterals connected to municipal sanitary sewer collection systems), 2) storm drain discharges to municipally owned and operated separate storm sewer systems (MS4s) required to be covered by an NPDES permit, 3) pet waste in areas that do not drain to MS4s, 4) homeless person/encampment discharges in areas that do not drain to MS4s, 5) onsite wastewater treatment system discharges, and 6) farm animal and livestock discharges.

San Lorenzo River, and Lompico Creek

The relative order of controllable sources, in descending order, are:

1) Onsite wastewater disposal system discharges, 2) storm drain discharges to MS4s required to be covered by an NPDES permit, 3) City of Santa Cruz sanitary sewer collection system leaks (including private laterals connected to municipal sanitary sewer collection systems) within the City limits of Santa Cruz [does not include Lompico Creek], 4) pet waste in areas that do not drain to MS4s, 5) homeless person/encampment discharges in areas that do not drain to MS4s, and 6) farm animal and livestock discharges.

Branciforte Creek,

The relative order of controllable sources, in descending order, are:

1) Storm drain discharges to MS4s required to be covered by an NPDES permit, 2) pet waste in areas that do not drain to MS4s, 3) City of Santa Cruz sanitary sewer collection system leaks (including private laterals connected to municipal sanitary sewer collection systems) within the City limits of Santa Cruz, 4) homeless person/encampment discharges in areas that do not drain to MS4s, 5) onsite wastewater disposal system discharges, and 6) farm animal and livestock discharges.

Carbonera and Camp Evers Creek:

The relative order of controllable sources, in descending order, are:

1) Storm drain discharges to MS4s required to be covered by an NPDES permit, 2) pet waste in areas that do not drain to MS4s, 3) homeless person/encampment discharges in areas that do not drain to MS4s, 4) onsite wastewater disposal system discharges, 5) farm animal and livestock discharges, and 6) City of Scotts Valley sanitary sewer collection system leaks (including private laterals connected to municipal sanitary sewer collection systems).

TMDLs and Allocations

The TMDLs are for the impaired reaches of the following water bodies, and are applicable for each day for all seasons:

San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Camp Evers Creek, Carbonera Creek, and Lompico Creek. TMDLs:

Fecal coliform concentration, based on a minimum of not less than five samples for any 30-day period, shall not exceed a log mean of 200 MPN per 100 mL, nor shall more than 10 percent of samples collected during any 30-day period exceed 400 MPN per 100 mL.

The allocations to responsible parties are shown in Table IX J-1.

Table IX J-1. Allocations and Responsible Parties

WASTE LOAD ALLOCATIONS		
<u>Waterbody Assigned Allocation¹</u>	<u>Responsible Party (Source)</u>	<u>Receiving Water Fecal Coliform (MPN/100mL)</u>
<u>San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, and Carbonera Creek</u>	<u>City of Santa Cruz</u> <u>(Storm drain discharges)</u>	<u>Allocation-1^a</u>
<u>Camp Evers Creek and Carbonera Creek</u>	<u>City of Scotts Valley</u> <u>(Storm drain discharges)</u>	<u>Allocation-1^a</u>
<u>San Lorenzo River, Branciforte Creek, Lompico Creek, and Carbonera Creek</u>	<u>Santa Cruz County</u> <u>(Storm drain discharges)</u>	<u>Allocation-1^a</u>
<u>San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, and Carbonera Creek</u>	<u>City of Santa Cruz</u> <u>(Sanitary sewer collection system leaks NPDES No. CA 0048194, WDR Order R3-2005-003)</u>	<u>Allocation-2^b</u>
<u>Carbonera Creek, Camp Evers Creek</u>	<u>City of Scotts Valley</u> <u>(Sanitary sewer collection system leaks NPDES No. CA 0048828, WDR Order R3 2002-0016)</u>	<u>Allocation-2^b</u>
<u>San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Carbonera Creek, and Camp Evers Creek</u>	<u>Owners of private sewer laterals residing in the Cities of Santa Cruz and Scotts Valley</u> <u>(Private laterals connected to municipal sanitary sewer collection system)</u>	<u>Allocation-2^b</u>
<u>San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Carbonera Creek, Camp Evers Creek and Lompico Creek</u>	<u>Owners of onsite wastewater treatment systems residing in the County of Santa Cruz and the City of Scotts Valley</u> <u>(Onsite wastewater treatment system discharges)</u>	<u>Allocation-2^b</u>
LOAD ALLOCATIONS		
<u>Waterbody</u>	<u>Responsible Party (Source)</u>	<u>Receiving Water Fecal Coliform (MPN/100mL)</u>
<u>San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Carbonera Creek, Camp Evers Creek and Lompico Creek</u>	<u>Owners of onsite wastewater treatment systems residing in the County of Santa Cruz and the City of Scotts Valley</u> <u>(Onsite wastewater treatment system discharges)</u>	<u>Allocation-2^b</u>
<u>San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Camp Evers Creek, Carbonera Creek, and Lompico Creek</u>	<u>Owners/operators of land used for/containing pets</u> <u>(Domestic animal discharges not regulated by a permit for storm water discharges. Including but not limited to dogs, cats, or any other animals in the care of owners/operators)</u>	<u>Allocation-1^a</u>
<u>San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Carbonera Creek, Camp Evers Creek, and Lompico Creek</u>	<u>Owners/operators of land used for/containing farm animals and livestock</u> <u>(Domestic animal discharges not regulated by a permit for storm water discharges. Including, but not limited to, farm animals and livestock in the care of owners/operators)</u>	<u>Allocation-1^a</u>

<u>San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Lompico Creek, Camp Evers Creek, and Carbonera Creek</u>	<u>Owners and/or operators of land that include homeless persons/encampments</u> <u>(Discharges from homeless persons/encampments not regulated by a permit for storm water discharges)</u>	<u>Allocation-2^b</u>
<u>San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Lompico Creek, Camp Evers Creek, and Carbonera Creek</u>	<u>No responsible party</u> <u>(Natural sources)</u>	<u>Allocation-1^a</u>
<p>¹ <u>All reaches of the following water bodies are assigned allocations, excepting Carbonera Creek, where the allocations are assigned from the mouth to the intersection with Bethany Road.</u></p> <p>^a <u>Allocation-1 = Fecal coliform concentration, based on a minimum of not less than five samples for any 30-day period, shall not exceed a log mean of 200 MPN/100mL, nor shall more than ten percent of total samples during any 30-day period exceed 400 MPN/100 mL.</u></p> <p>^b <u>Allocation-2= Allocation of zero; no loading allowed from this source.</u></p>		

The parties responsible for the allocation to controllable sources are not responsible for the allocation to natural sources.

The TMDLs are considered achieved when the allocations assigned to all individual responsible parties are met or when the numeric targets are consistently met in the San Lorenzo River Estuary, San Lorenzo River, Branciforte Creek, Camp Evers Creek, Carbonera Creek, and Lompico Creek.

Margin of Safety

A margin of safety is incorporated implicitly in the TMDLs through conservative assumptions.

Implementation

SANITARY SEWER COLLECTION SYSTEM LEAKS:

Entities with jurisdiction over sewer collection systems in the San Lorenzo River Watershed must comply with the Human Fecal Material Discharge Prohibition; compliance with the Human Fecal Material Discharge Prohibition implies compliance with their load allocation for this TMDL.

To comply with the Human Fecal Material Discharge Prohibition, the City of Santa Cruz Sanitary Sewer Collection System is required to prevent spills and leaks pursuant to their current NPDES permit and Waste Discharge Requirements (WDR). The City of Santa Cruz must comply with this permit by improving maintenance of their sewage collection system. Improved maintenance includes identification, correction, and prevention of sewage leaks in portions of the collection systems that intersect, or could impact the water quality, of the San Lorenzo River Estuary or San Lorenzo River. The NPDES permit requires an annual technical report that describes how and when the City of Santa Cruz will conduct improved system maintenance in portions of the system most likely to affect the San Lorenzo Estuary and San Lorenzo River. Within one year following adoption of these TMDLs by the Office of Administrative Law, the Executive Officer will evaluate the results of the annual technical report submitted by the City of Santa Cruz to determine compliance with the requirement to prevent spills and leaks and corresponding compliance with the Human Fecal Material Discharge Prohibition. The Executive Officer and/or the Central Coast Water Board will determine whether modifications to the City of Santa Cruz' NPDES Permit and/or WDR are necessary to address sewer collection system spills and leaks.

To comply with the Human Fecal Material Discharge Prohibition, the City of Scotts Valley Sanitary Sewer Collection System is required to prevent spills and leaks pursuant to their current NPDES permit and Waste Discharge Requirements (WDR). The City of Scotts Valley is currently in compliance with their existing NPDES permit and WDR and the Water Board is not requiring additional implementation measures (associated with sanitary sewer collection system leak prevention) of the City of Scotts Valley at this time (with the exception of monitoring as mentioned in the following paragraph). However, during the Central Coast Water Board's three-year implementation evaluations, should the Executive Officer determine additional maintenance needs to be performed, the Executive Officer and/or the Central Coast Water Board will determine whether modifications to the City of Scotts Valley NPDES Permit No. CA 0048828 and/or WDR Order R3-2002-0016 are necessary to address sewer collection system spills and leaks.

The Executive Officer or the Central Coast Water Board will amend the Monitoring and Reporting Program of the Cities of Santa Cruz and Scotts Valley NPDES permits to incorporate monitoring for fecal coliform and reporting results.

PRIVATE LATERALS TO THE SANITARY SEWER COLLECTION SYSTEMS:

Individual owners and operators of private laterals to sanitary sewer collection systems are ultimately responsible for maintenance of their private laterals and are, therefore, responsible for complying with the Human Fecal Material Discharge Prohibition; compliance with the Human Fecal Material Discharge Prohibition implies compliance with their load allocation for these TMDLs.

Within three years of approval of these TMDLs by the Office of Administrative Law, the Executive Officer will notify owners and/or operators of private laterals to sanitary sewer collection systems (owners/operators of private laterals) of the requirement to comply with the Human Fecal Material Discharge Prohibition. In his notification, the Executive Officer will also describe the owner's/operator's of private laterals options for demonstrating compliance with the Human Fecal Material Discharge Prohibition; pursuant to California Water Code section 13267 and within six months of the notification by the Executive Officer, owners/operators of private laterals will be required to submit the following for approval by the Executive Officer or the Water Board:

- 1) Clear evidence that the owner/operator of private lateral is and will continue to be in compliance with the Human Fecal Material Discharge Prohibition; clear evidence could be certification by a sanitary collection system jurisdiction that owner/operator of private lateral is in compliance with the Human Fecal Material Discharge Prohibition, or
- 2) A schedule for compliance with the Human Fecal Material Discharge Prohibition. The compliance schedule must include a monitoring and reporting program and milestone dates demonstrating progress towards compliance with the Human Fecal Material Discharge Prohibition, with the ultimate milestone being compliance with the Human Fecal Material Discharge Prohibition no later than three years from the date of the Executive Officer's notification to the owner/operator requiring compliance, or
- 3) Submittal of a Report of Waste Discharge pursuant to California Water Code Section 13260 (as an application for waste discharge requirements; WDRs or National Pollutant Discharge Elimination System (NPDES permit)), or
- 4) Clear evidence of current or scheduled compliance with the Human Fecal Material Discharge Prohibition (as described in number-1 and number-2 above, respectively) through the submittal of the required information by a sanitary collection system jurisdiction, acting as the voluntary agents of owners/operators of private laterals. Note that an owner/operator of a private lateral cannot demonstrate compliance with the Human Fecal Material Discharge Prohibition through this option if: 1) a sanitary collection system jurisdiction is not their voluntary agent, or 2) if the owner/operator of the private lateral does not choose the sanitary collection system jurisdiction as their agent, or, 3) the Executive Officer or Water Board does

not approve the evidence submitted by the sanitary collection system jurisdictions on behalf of the owners/operators of private laterals.

STORM DRAIN DISCHARGES TO MUNICIPALLY OWNED AND OPERATED SEPARATE STORM SEWER SYSTEMS

The Central Coast Water Board will address fecal indicator bacteria (FIB), e.g. fecal coliform and/or other indicators of pathogens, discharged from the County of Santa Cruz and the Cities of Santa Cruz and Scotts Valley municipal separate storm sewer systems (MS4 entities) by regulating the MS4 entities under the provisions of the State Water Resource Control Board's General Permit for the Discharges of Storm Water from Small Municipal Separate Storm Sewer Systems (General Permit) (NPDES No. CAS000004). As enrollees under the General Permit, the MS4 entities must develop and implement Storm Water Management Plans (SWMPs) that control urban runoff discharges into and from their MS4s. To address the MS4 entities' TMDL wasteload allocations, the Central Coast Water Board will require the MS4 entities to specifically target FIB in urban runoff through incorporation of Wasteload Allocation Attainment Plans in their SWMPs.

The Central Coast Water Board will require the Wasteload Allocation Attainment Plans to include descriptions of the actions that will be taken by the MS4 entities to attain the TMDL wasteload allocations, and specifically address:

1. Development of an implementation and assessment strategy;
2. Source identification and prioritization;
3. Best management practice identification, prioritization, implementation schedule, analysis, and effectiveness assessment;
4. Monitoring program development and implementation;
5. Reporting; including evaluation whether current best management practices are progressing towards achieving the wasteload allocations within thirteen years of the date that the TMDLs are approved by the Office of Administrative Law.
6. Coordination with stakeholders; and
7. Other pertinent factors.

The Wasteload Allocation Attainment Plans will be required by the Central Coast Water Board to address each of these TMDLs that occur within the MS4 entities' jurisdictions.

The Central Coast Water Board will require the Wasteload Allocation Attainment Plans to be submitted at one of the following milestones, whichever occurs first:

1. Within one year of approval of the TMDLs by the Office of Administrative Law;
2. When required by any other Water Board-issued storm water requirements (e.g., when the Phase II Municipal Storm Water Permit is renewed).

For those MS4 entities that are enrolled under the General Permit at the time of Wasteload Allocation Attainment Plan submittal, the Wasteload Allocation Attainment Plans must be incorporated into the SWMPs when they are submitted. For those MS4 entities that are not enrolled under the General Permit at the time of Wasteload Allocation Attainment Plan submittal, the Wasteload Allocation Attainment Plans must be incorporated into the SWMPs when the SWMPs are approved by the Central Coast Water Board.

The Executive Officer or the Central Coast Water Board will require information that demonstrates implementation of the actions described above, pursuant to applicable sections of the California Water Code and/or pursuant to authorities provided in the General Permit for storm water discharges.

PET WASTES, DOMESTIC ANIMAL, AND LIVESTOCK DISCHARGES NOT REGULATED BY A PERMIT FOR STORM WATER DISCHARGES

Owners and/or operators of lands containing domestic animals (including pets, farm animals, and livestock) in the San Lorenzo River Watershed must comply with the Domestic Animal Waste Discharge Prohibition; compliance with the Domestic Animal Waste Discharge Prohibition implies compliance with the load allocation for these TMDLs.

Within three years of approval of these TMDLs by the Office of Administrative Law, the Executive Officer will notify owners and/or operators of lands used for/containing domestic animals of the requirement to comply with the Domestic Animal Waste Discharge Prohibition. In his notification, the Executive Officer will also describe the owner's/operator's of lands containing domestic animals options for demonstrating compliance with the Domestic Animal Waste Discharge Prohibition; pursuant to California Water Code section 13267 and within six months of the notification by the Executive Officer, owners/operators of lands containing domestic animals will be required to submit the following for approval by the Executive Officer or the Water Board:

- 1) Clear evidence that the owner/operator of lands containing domestic animals is and will continue to be in compliance with the Domestic Animal Waste Discharge Prohibition; clear evidence could be documentation submitted by the owner/operator to the Executive Officer validating current and continued compliance with the Prohibition, or
- 2) A plan for compliance with the Domestic Animal Waste Discharge Prohibition. Such a plan must include a list of specific management practices that will be implemented to control discharges containing fecal material from domestic animals. The plan must also describe how implementing the identified management practices are likely to progressively achieve the load allocations to domestic animals, with the ultimate goal achieving the load allocations no later than thirteen years after Office of Administrative Law approval of the TMDL. The plan must include monitoring and reporting to the Central Coast Water Board, demonstrating the progressive progress towards achieving load allocations for discharges from domestic animals, and a self-assessment of this progress. The plan may be developed by an individual discharger or by or for a coalition of dischargers in cooperation with a third-party representative, organization, or government agency acting as the agents of owners/operators of lands containing domestic animals, or
- 3) Submittal of a Report of Waste Discharge pursuant to California Water Code Section 13260 (as an application for waste discharge requirements; WDRs or National Pollutant Discharge Elimination System (NPDES permit)).

ONSITE WASTEWATER DISPOSAL SYSTEM DISCHARGES:

Owners of onsite wastewater systems in the San Lorenzo River Watershed must comply with the Human Fecal Material Discharge Prohibition.

Owners of onsite wastewater systems must demonstrate to the satisfaction of the Executive Officer or the Water Board that they are in compliance with the Human Fecal Material Discharge Prohibition; compliance with the Human Fecal Material Discharge Prohibition implies compliance with the load allocation for these TMDLs.

Within three years of approval of these TMDLs by the Office of Administrative Law, the Executive Officer will notify owners of onsite wastewater systems (owners) of the requirement to comply with the Human Fecal Material Discharge Prohibition. In his notification, the Executive Officer will also

describe owner's options for demonstrating compliance with the Human Fecal Material Discharge Prohibition; pursuant to California Water Code 13267 and within six months of the notification by the Executive Officer, owners will be required to submit the following for approval by the Executive Officer or the Water Board:

- 1) Clear evidence that the owner is and will continue to be in compliance with the Human Fecal Material Discharge Prohibition; clear evidence could be certification by the County of Santa Cruz or the City of Scotts Valley, or similar, that the owners onsite wastewater system is in compliance with the Human Fecal Material Discharge Prohibition, or
- 2) A schedule for compliance with the Human Fecal Material Discharge Prohibition. The compliance schedule must include a monitoring and reporting program and milestone dates demonstrating progress towards compliance with the Human Fecal Material Discharge Prohibition, with the ultimate milestone being compliance with the Human Fecal Material Discharge Prohibition no later than three years from the date of the Executive Officer's notification to the owner requiring compliance, or
- 3) Submittal of a Report of Waste Discharge pursuant to California Water Code Section 13260 (as an application for waste discharge requirements; WDRs), or
- 4) Clear evidence of current or scheduled compliance with the Human Fecal Material Discharge Prohibition (as described in number-1 and number-2 above, respectively) through the submittal of the required information by County of Santa Cruz or the City of Scotts Valley, acting as the voluntary agents of owners/operators of onsite wastewater systems. Note that an owner of an onsite wastewater system cannot demonstrate compliance with the Human Fecal Material Discharge Prohibition through this option if: 1) the County of Santa Cruz or the City of Scotts Valley is not their voluntary agent, or 2) if the owner/operator of the private lateral does not choose the County of Santa Cruz or the City of Scotts Valley as their agent, or, 3) the Executive Officer or Water Board does not approve the evidence submitted by the County of Santa Cruz or the City of Scotts Valley on behalf of the owners/operators of private laterals.

HOMELESS PERSONS/ENCAMPMENT DISCHARGES NOT REGULATED BY A PERMIT FOR STORM WATER DISCHARGES

Owners of land that contain homeless persons and/or homeless encampments in the San Lorenzo River Watershed must comply with the Human Fecal Material Discharge Prohibition.

Owners of land with homeless persons must demonstrate to the satisfaction of the Executive Officer or the Water Board that they are in compliance with the Human Fecal Material Discharge Prohibition; compliance with the Human Fecal Material Discharge Prohibition implies compliance with the load allocation for these TMDLs.

Within three years of approval of these TMDLs by the Office of Administrative Law, the Executive Officer will notify owners of land containing homeless persons of the requirement to comply with the Human Fecal Material Discharge Prohibition. In his notification, the Executive Officer will also describe owner's options for demonstrating compliance with the Human Fecal Material Discharge Prohibition; pursuant to California Water Code 13267 and within six months of the notification by the Executive Officer, owners will be required to submit the following for approval by the Executive Officer or the Water Board:

- 1) Clear evidence that the owner is and will continue to be in compliance with the Human Fecal Material Discharge Prohibition; clear evidence could be documentation submitted by the owner to the Executive Officer validating current and continued compliance with the Prohibition, or
- 2) A plan for compliance with the Human Fecal Material Discharge Prohibition. Such a plan must include a list of specific management practices that will be implemented to control

- discharges containing fecal material from homeless persons. The Plan must also describe how implementing the identified management practices are likely to progressively achieve the load allocation for homeless persons, with the ultimate goal achieving the load allocation no later than three years from the date of the Executive Officer's notification to the owner requiring compliance. The plan must include monitoring and reporting to the Central Coast Water Board, demonstrating the progressive progress towards achieving load allocations for discharges from homeless persons, and self-assessment of this progress, or
- 3) Submittal of a Report of Waste Discharge pursuant to California Water Code Section 13260 (as an application for waste discharge requirements; WDRs).

Tracking and Evaluation

Every three years, beginning three years after TMDLs are approved by the Office of Administrative Law, the Central Coast Water Board will perform a review of implementation actions, monitoring results, and evaluations submitted by responsible parties of their progress towards achieving their allocations. The Central Coast Water Board will use annual reports, nonpoint source pollution control implementation programs, evaluations submitted by responsible parties, and other available information to determine progress toward implementing required actions and achieving the allocations and the numeric target.

Responsible parties will continue monitoring and reporting according to this plan for at least three years, at which time the Central Coast Water Board will determine the need for continuing or otherwise modifying the monitoring requirements. Responsible parties may also demonstrate that although water quality objectives are not being achieved in receiving waters, controllable sources of pathogens are not contributing to the exceedance. If this is the case, the Central Coast Water Board may re-evaluate the numeric target and allocations. For example, the Central Coast Water Board may pursue and approve a site-specific objective. The site-specific objective would be based on evidence that natural, or background sources alone were the cause of exceedances of the Basin Plan water quality objective for fecal indicator bacteria.

Three-year reviews will continue until the water quality objectives are achieved. The compliance schedule for achieving the TMDL numeric target is 13 years after the date of approval by the Office of Administrative Law.